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COMM435 - Editorial Writing
Editorial to explain/inform: **Defining Obscenity**

"OBSCENE: disgusting to the senses, repulsive; abhorrent to morality or virtue, specifically: designed to incite to lust or depravity."
Webster's New Collegiate Dictionary

What is Obscene? Is the graphic depiction of the male genitalia intrinsically obscene? Cincinnati's Citizens for Community Values seems to think so.

As a result of the group's protests that city's Contemporary Arts Center and its director will stand trial this week on two misdemeanor counts each of pandering obscenity and using children in nudity-oriented material. The material that has so warmly attracted the attention of this group is the late Robert Mapplethorpe photographs.

Mapplethorpe's photographs, which depict sadomasochistic acts and homosexual poses, attracted national attention last year when the Corcoran Gallery in Washington, D.C., canceled a showing because of opposition led by Sen. Jesse Helms (R-N.C.).

So what is obscene? L.A. Times writer, Eric Harrison, calls some of the Mapplethorpe photographs shocking but adds that they are hardly the kind of material to be found in any issue of "Hustler" magazine.

So what is obscene?

"I can't define it, but I know it when I see it,"
Supreme Court Justice William J. Brennan.

Justice Brennan's "difficulty" points to the central problem regarding obscenity

issues: obscenity is often a matter of individual opinion. Much of what might be considered "obscene" by one segment of the population is likely to be considered "art" by another. A corollary consideration is that an "art work" might be wholly offense in some sense and yet not be obscene.

Maneuvering around this quagmire of conflicting opinions is only partially aided by the current four-part legal definition for obscenity. Following the 1973 *Miller v. California* decision, the following tests for obscenity must be met before a work can be considered legally obscene: (1) "Whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest"; (2) it describes sexual conduct in a "patently offensive" way; (3) the work, taken as a whole, lacks serious literary, artistic, political or scientific value; (4) "community standards" could be local and vary from place to place but "literary, artistic, political or scientific value" is to be based on a broader perspective. In 1982 the court ruled that sexually explicit scenes involving children regardless of the literary merit or non-obscene nature are not protected by the First Amendment and subject to state regulations.

When Cincinnati vice officers arrived to shut down the Mapplethorpe display Police Chief Lawrence Whallen and Hamilton County Sheriff Simon Leis stated publicly that some of the photographs were in their opinion criminally obscene. The juxtaposition of the words "opinion" and "criminally obscene" should not be overlooked.

Obscenity: "Whatever happens to shock some elderly and ignorant magistrate." Bertrand A. Russell

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